

In the Court as set by Article 3 of the Constitution for the United States of America which court is set for:

**district court of the United States  
FOR THE WESTERN DISTRICT OF NEW YORK**

Daniel J. Wik  
c/o non-domestic  
659 Averill Avenue; near:  
Rochester, New York

**Plaintiff,**

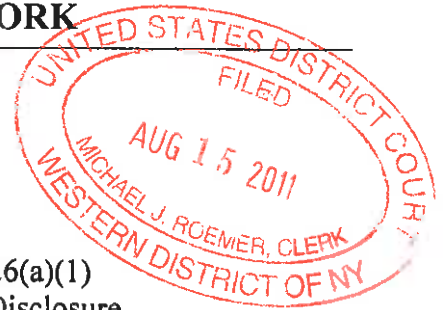
**v.**

Donald R. Kunego  
46 Kaymar Drive  
Bergen, New York 14416

**Defendant:**

FRCP 26(a)(1)  
Initial Disclosure

CASE NO:6:11-cv-06205-CJS



Daniel J. Wik hereby provides the following mandatory initial disclosures pursuant to Rule 26 as follows:

The following is a list of witnesses which are the names of people likely to have discoverable information that Plaintiff may use to support Plaintiffs complaint.

**A. WITNESSES**

1. **Paula L. Feroletto**, 25 Delaware Avenue, Buffalo, New York 14202, 716-845-9438. Paula L. Feroletto may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court, the refusal to provide records, and knowledge of facts relative to the accusatory instruments filed in Bergen Town Court against Robert Swapceinski and Donald Kunego, and other accusatory instruments.
2. **Douglas Marky**, 25 Delaware Avenue, Buffalo, New York, 716-845-7441. Douglas Marky may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court, the refusal to provide records, and knowledge of facts relative to the accusatory instruments filed in Bergen Town

Court against Robert Swapceinski and Donald Kunego, and other accusatory instruments.

3. **Robert Swapceinski**, 7567 Dublin Road, Bergen, New York 14416. Robert Swapceinski may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court, the refusal to provide records, and knowledge of facts relative to the accusatory instruments filed in Bergen Town Court against Robert Swapceinski and Donald Kunego, and other information relative to other actions against Plaintiff relative to this action.
4. **Michelle Smith**, 10 Hunter Street, Bergen, New York 14416, 585-494-1121. Michelle Smith may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court, the refusal to provide records, and knowledge of facts relative the qualification of Bergen Town Officers including but not limited to Defendant and others.
5. **Tompkins Insurance Agencies Inc. and David Boyce**, 90 Main Street, Batavia, New York 14020 585-344-1354. Tompkins Insurance Agencies Inc. and David Boyce may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court, criminal bonding of Plaintiff's case, facts relative to the bonding and insurance of THE TOWN OF BERGEN, and alleged officers of THE TOWN OF BERGEN, facts relative the qualification of Bergen Town Officers including but not limited to Defendant and others.
6. **Paul McDonnell**, 25 Beaver Street, New York, New York 10004. Paul McDonnell may have information relative to this action; the criminal action allegedly commenced against Plaintiff in Bergen Town Court, the refusal to provide records, and may have knowledge of the accusatory instruments filed in Bergen Town Court against Robert Swapceinski and Donald Kunego, and against others.
7. **Donald Read**, 15 Main Street, Bergen, New York 14020. Donald Read may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court, the refusal to provide records, and knowledge of facts

relative the qualification of Bergen Town Officers including but not limited to Defendant and others.

8. **Gary T. Maha**, 165 Park Road, Batavia, New York, 14020, 585-354-3000. Gary T. Maha may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court, the refusal to provide records, and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint in Plaintiff's liberty within the state.
9. **Genesee County Jail Bureau**, 14 West Main Street, Batavia, New York 14021, 585-343-0838. Genesee County Jail Bureau may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court, the refusal to provide records, and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint in Plaintiff's liberty within the state.
10. **State Trooper James Pitz**, New York State Police, 1220 Washington Avenue, Albany New York 12226. State Trooper James Pits may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state.
11. **Trooper John and Jane Does**, New York State Police, 1220 Washington Avenue, Albany New York 12226. Trooper John and Jane Does may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state.
12. **Robert C. Noonan**, 1 West Main Street, Batavia, New York 14021, 585-344-2550. Robert C. Noonan may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, and the entitlement of offices within Genesee County and knowledge of crimes committed against Plaintiff.

13. **Robert Balbick**, 1 West Main Street, Batavia, New York 14021, 585-344-2550.

Robert Balbick may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, and the entitlement of offices within Genesee County and knowledge of crimes committed against Plaintiff.

14. **Michael Delplato**, 1 West Main Street, Batavia, New York 14021, 585-344-2550.

Michael Delplato may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, and the entitlement of offices within Genesee County and knowledge of crimes committed against Plaintiff.

15. **Donald Cunningham**, 10 Hunter Street, Bergen, New York 14416, 585-494-1121.

Donald Cunningham may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, the entitlement of offices within Bergen and knowledge of crimes committed against Plaintiff, and policies and practices of the Bergen Town Council.

16. **Barry Miller**, 10 Hunter Street, Bergen, New York 14416, 585-494-1121. Barry

Miller may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, the entitlement of offices within Bergen and knowledge of crimes committed against Plaintiff, and policies and practices of the Bergen Town Council

17. **Hugh McCartney**, 10 Hunter Street, Bergen, New York 14416, 585-494-1121.

Hugh McCartney may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts

including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, the entitlement of offices within Bergen and knowledge of crimes committed against Plaintiff, and policies and practices of the Bergen Town Council

18. **Rachael Millspaugh**, 10 Hunter Street, Bergen, New York 14416, 585-494-1121. Rachael Millspaugh may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, the entitlement of offices within Bergen and knowledge of crimes committed against Plaintiff, and policies and practices of the Bergen Town Council
19. **Joseph Nenni**, 10 Hunter Street, Bergen, New York 14416, 585-494-1121. Joseph Nenni may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, the entitlement of offices within Bergen and knowledge of crimes committed against Plaintiff, and policies and practices of the Bergen Town Council
20. **Barbara A. Kunego**, 10 Hunter Street, Bergen, New York 14416, 585-494-1121. Barbara A. Kunego may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, the entitlement of offices within Bergen and knowledge of crimes committed against Plaintiff, and policies and practices of the Bergen Town Court.
21. **Bernadette D. Thompson**, 10 Hunter Street, Bergen, New York 14416, 585-494-1121. Bernadette D. Thompson may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in

the unlawful restraint of Plaintiff's liberty within the state, the entitlement of offices within Bergen and knowledge of crimes committed against Plaintiff, and policies and practices of the Bergen Town Court.

22. **William Harper**, West Main Street, Batavia, New York 14021 585-344-2550.

William Harper may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, the entitlement of offices within Bergen and knowledge of crimes committed against Plaintiff, and policies and practices of the Bergen Town Court.

23. **Kevin Finnell**, 1 West Main Street, Batavia, New York 14021 585-344-2550. Kevin

Finnell may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, the entitlement of offices within Bergen and knowledge of crimes committed against Plaintiff, and policies and practices of the Bergen Town Court.

24. **Lawrence Friedman**, 1 West Main Street, Batavia, New York 14021 585-344-2550.

Lawrence Friedman may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, the entitlement of offices within Bergen and Genesee county and knowledge of crimes committed against Plaintiff, and policies and practices of the Bergen Town Court and Genesee county Supreme court.

25. **Charles Zambito**, 1 West Main Street, Batavia, New York 14021 585-344-2550.

Charles Zambito may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, the entitlement of offices within Bergen

and Genesee county and knowledge of crimes committed against Plaintiff, and policies and practices of the Bergen Town Court and Genesee county Supreme court.

26. **Freeman Burks**, PO Box 30351, Rochester, New York 14603. Freeman Burks may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, and the accusatory instruments filed against defendant and others.
27. **James Richardson**, 15938 Roosevelt Highway, Kendall, New York 14476, 585-424-0596. James Richardson may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, and the accusatory instruments filed against defendant and others.
28. **Valentine Christian**, PO Box 151, Churchville, New York 14428. 585-781-4544. Valentine Christian may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, and the accusatory instruments filed against defendant and others.
29. **Holden Miller** address unknown 585-494-0125. Holden Miller may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state.
30. **Charlene Ray**, 56 Rochester Street, Bergen, New York 14416. Charlene Ray may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not



limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state.

31. **Linda Giambrone**, address unknown previous employer 1 West Main Street, Batavia, New York 14021 585-344-2550. Linda Giambrone may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, and the accusatory instruments filed against defendant and others.
32. **Paula DeBella**, 1 West Main Street, Batavia, New York 14021 585-344-2550. Paula DeBella may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court and knowledge of facts including but not limited to Defendant and others participation in the unlawful restraint of Plaintiff's liberty within the state, and the accusatory instruments filed against defendant and others.
33. **Ann Pfau**, 25 Beaver Street, New York New York 10004; 212-428-2120. Ann Pfau may have information relative to this action; the criminal action allegedly commenced against Plaintiff in Bergen Town Court, the refusal to provide records, and may have knowledge of the accusatory instruments filed in Bergen Town Court against Robert Swapceinski and Donald Kunego, and against others.
34. **David Bookstaver**, 25 Beaver Street, New York New York 10004. David Bookstaver may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court, the refusal to provide records, and may have knowledge of the accusatory instruments filed in Bergen Town Court against Robert Swapceinski and Donald Kunego, and against others.
35. **Donald Kunego, 46 Kaymar Drive, Bergen, New York 14416. Donald Kunego** may have information relative to this action, the criminal action allegedly commenced against Plaintiff in Bergen Town Court, the refusal to provide records, and may have knowledge of the accusatory instruments filed in Bergen Town Court against Robert Swapceinski and Donald Kunego, and against others.



**B. DOCUMENTS**

1. Correspondence between Plaintiff and BERGEN TOWN CLERK and related documents provided.
2. Correspondence between Plaintiff and BERGEN TOWN COURT and related documents provided.
3. Correspondence between Plaintiff and BERGEN TOWN COUNCIL and related documents provided.
4. Correspondence between Plaintiff and GENESEE COUNTY CLERK and related documents provided.
5. Correspondence between Plaintiff and GENESEE COUNTY and related documents provided.
6. Correspondence between Plaintiff and GENESEE COUNTY COURT and related documents provided.
7. Correspondence between Plaintiff and BATAVIA CITY COURT and related documents provided.
8. Correspondence between Plaintiff and OFFICE OF COURT ADMINISTRATION and related documents provided.
9. Correspondence between Plaintiff and UNIFIED COURT SYSTEM and related documents provided.
10. Correspondence between Plaintiff and NEW YORK STATE TROOPERS and related documents provided.
11. Correspondence between Plaintiff and TOMPKINS INSURANCE AGENIES, INC. and related documents provided.
12. Documents from the GENESEE COUNTY JAIL.
13. Correspondence between Plaintiff and GENESEE COUNTY DISTRICT ATTORNEYS OFFICE and related documents provided.
14. Correspondence between Plaintiff and Robert Swapceinski and related documents provided.

15. Correspondence between Plaintiff and Donald Kunego and related documents provided.
16. Correspondence between Plaintiff and Lawrence Friedman and related documents provided.
17. Correspondence between Plaintiff and Gary Maha and related documents provided.
18. Correspondence between Plaintiff and Kevin Finnell and related documents provided.
19. Correspondence between Plaintiff and DEPARTMENT OF STATE and related documents provided.
20. Correspondence between Plaintiff and the office of the executive department of the state and related documents provided.
21. Accusatory instruments filed in the BATAVIA CITY COURT.
22. Accusatory instruments files in the BERGEN TOWN COURT
23. Notice of Claim to GENESEE COUNTY
24. Notice of Claim to THE TOWN OF BERGEN
25. Notice of Claim to THE STATE OF NEW YORK
26. Correspondence from NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES and related documents provided.
27. Correspondence between Plaintiff and STATE OF NEW YORK OFFICE OF ATTORNEY GENERAL and related documents provided.
28. All documents filed into BERGEN TOWN COURT Case #10070055, computer screen printouts, records, and related correspondence.
29. All documents filed into BERGEN TOWN COURT Case #08060013 computer screen printouts, records, and related correspondence.
30. All documents filed into GENESEE COUNTY SUPREME COURT for a Writ of Habeas Corpus

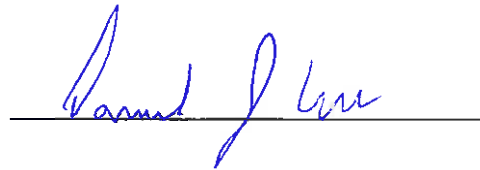
**C. Damages**

1. Plaintiff is seeking damages in the amount of 50 million united states of America dollars plus the full value of any and all bonds and insurance that are associated with Defendant.
  - a. Plaintiff was unlawfully restrained in his liberty within the state for approximately five days. Plaintiff and Plaintiff's family endured severe and profound mental injury, anguish strain, stress, suffering, and lasting and permanent mental scars from the ordeal.
  - b. Plaintiff sustained a loss of standing in community, defamation, shame, disgrace, humility, ridicule, scorn, and damage to Plaintiffs reputation.
  - c. Plaintiffs feared and suffered actual loss of both equal protections by law enforcement personal free from bias and prejudice as to Plaintiffs veracity and reliability and fear of the actual law enforcement personal.
  - d. Plaintiff suffered undue loss of privacy and was unlawfully arrested without a warrant supported by oath or affirmation in violation of rights secured by fourth amendment
  - e. Plaintiff was denied due process.
  - f. Plaintiff was denied equal protection of the law.
  - g. Plaintiff suffered trespass against his rights.
  - h. Plaintiff suffered mental and emotional abuse, and other punishment in a cruel fashion in direct violation of the eighth amendment.
  - i. Plaintiff seeks compensatory and punitive damages for Defendant developing and continuing a to development a policy and customs of cruel and unusual punishment, deprivation of rights and liberties, deprivation of due process, and deprivation of equality at law, under color of state law, against the constitutionally secured rights of Plaintiff.
  - j. Plaintiff was forced to deal with false prosecution matters instead of Plaintiffs business, nearly bringing his revenue stream to a halt, this naturally caused severe stress and related health ramifications.
  - k. Plaintiff has had to endure overtly malicious conduct from Defendant.

D. Plaintiff has no expert witness disclosure to make at this time.

Dated August 15, 2011  
Rochester, New York  
United States of America

Daniel J. Wik



Plaintiff without representation,  
in propria persona  
c/o non-domestic  
659 Averill Avenue; near:  
Rochester, New York  
(585)-957-5902